

Notice of Allowability

Application No.

09/913,799

Examiner

N. Bhat

Applicant(s)

IKEGAMI ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Amendment and 1.132 Declaration of May 26, 2004.
2. ☒ The allowed claim(s) is/are 14-16,19-30 re-numbered as 1-15 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


N. Bhat
Primary Examiner
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1. Applicant's After Final amendment has been fully and carefully considered.

Applicant's 1.132 declaration has been fully and carefully considered and is persuasive with respect to the process of providing a mineral enriched drink derived from seawater which has been desalinated to which water soluble mineral components are added, wherein the water soluble mineral components are magnesium and calcium obtained from seawater, the weigh ratio of magnesium to calcium (Mg/Ca) being adjusted to 4/1 to 1/3, the method providing a drink having a hardness of water of 100 to 3,000 as measured by the EDTA method.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Arai on June 10, 2004.

The application has been amended as follows:

In the Claims:

Delete Claims 1, 6 and 8-13.

Add the following new Claims:

23. A drink produced by the process of claim 14.
24. A drink produced by the process of claim 19.
25. A drink produced by the process of claim 21.

26. A drink produced by the process of claim 14, further comprising sugar or sour flavors for adjusting the taste.
27. A drink produced by the process of claim 22.
28. A drink produced by the process of claim 14, wherein said seawater subjected to desalination is deep water.
29. A drink produced by the process of claim 15.
30. A drink produced by the process of claim 16.
3. The following is an examiner's statement of reasons for allowance:

A method for producing a drink, comprising the steps of (i) collecting seawater; (ii) separating the seawater into a water and concentrate by desalting; and (iii) adding to the separated water water-soluble mineral components obtained from the concentrate or another seawater concentrate, wherein the mineral components are magnesium and calcium, the magnesium and calcium are added to adjust the weight ratio of the magnesium to calcium (Mg/Ca) to 4/1 to 1/3, the desalination is conducted to adjust a hardness of water to 100 to 3,000 as measured by the EDTA method and a product by process. As shown in the 1.132 declaration the method provides a mineral adjusted drink using seawater which was compared to tap water enriched with Mg, Ca, Na, and K using food additives which is equivalent to the invention of Kunzler and that the mineral adjusted drink using seawater has surprising and beneficial effects on the body as compared with the tap water enriched with minerals, the process providing a product which is new and unobvious over the tap water enriched with minerals.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



N. Bhat
Primary Examiner
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